

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 22648 of 2006(U)

PETITIONER:

**T.P.SHANMUGHAN,
PARACHATHANPOTTA, KARADUPARAMBU,
FAROOK COLLEGE P.O., MALAPPURAM.**

**BY ADV. SRI.A.JAYASANKAR
SRI.C.ANIL KUMAR**

RESPONDENTS:

**1. THE DISTRICT LABOUR OFFICER,
CIVIL STATION, PALAKKAD.**

**2. FOOD CORPORATION OF INDIA,
PALAKKAD, REPRESENTED BY ITS DISTRICT MANAGER.**

**BY GOVERNMENT PLEADER SMT.M.R.SREELATHA
ADV. SRI.T.P.M.IBRAHIM KHAN, SC, FCI
SRI.P.JACOB VARGHESE, SC, FCI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE OFFICE ORDER DATED 11.9.97 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P2: COPY OF COMPLAINT DATED 13.8.98 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P3: COPY OF THE JUDGMENT IN O.P.No.20718/98, DATED 30.11.98.

EXT.P4: COPY OF THE JUDGMENT IN W.A.No.367/99, DATED 18.2.99.

EXT.P5: COPY OF THE REMINDER DATED 27.9.02 SENT BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P6: COPY OF THE MEMO DATED 16.1.06 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P7: COPY OF THE REPLY DATED 1.2.2006 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P8: COPY OF THE LETTER DATED 22.7.06 SENT BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P9: COPY OF THE NOTICE DATED 29.7.06 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

TRUE COPY

P.A.TO JUDGE

S.SIRI JAGAN,J
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W.P.(C).No.22648 of 2006

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Dated this the 26th day of November, 2007

JUDGMENT

The petitioner claims to be a head load worker under the second respondent. He was denied employment. Consequent to orders of this Court by Ext.P3 judgment, the petitioner was reinstated. Due to non co-operation of other workers petitioner could not carry out the work but was paid minimum wages without working. After 8 months the second respondent again denied employment to the petitioner. Petitioner submitted Ext.P2 complaint before the first respondent. Despite direction from this Court no action has been taken by the first respondent on Ext.P2 is the grievance of the petitioner in this writ petition.

2. The learned Government Pleader on instructions from the first respondent submits that pursuant to Ext.P1 complaint appropriate directions have been issued to the second respondent for employing the petitioner. Obviously, that is not what is call for him in this case since it has been proved that despite such directions, the second respondent is not doing anything probably because of the non co-operation of the other

workers. That being so, the only thing that can be done now is to adjudicate the dispute, for which purpose the first respondent has to complete proceedings under the Industrial Disputes Act and send a report to the Government if the conciliation proceedings do not bear any fruit. Accordingly, I direct the first respondent to complete the proceedings pursuant to Ext.P2 and if he is not successful in getting the matter settled between the parties, to forward a report to the Government for appropriate further proceedings as contemplated under the Industrial Disputes Act. This shall be done within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

S.SIRI JAGAN, JUDGE

dvs